

OLL 83-2940
7 December 1983

MEMORANDUM FOR THE RECORD

SUBJECT: Fiscal Year 1984 Intelligence Authorization Bill
and Accompanying Conference Report

Attached for your information and retention are copies of the subject Bill and accompanying Conference Report. Rather than try to highlight sections of principal interest to each of the several recipients of this communique, I will leave both documents for your reading and will stand ready to respond to any questions or concerns that you may choose to raise.

Liaison Division
Office of Legislative Liaison

Attachment:
As stated

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OLL:LD [] aw (8 December 1983)

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

NOVEMBER 18, 1983.—Ordered to be printed

Mr. BOLAND, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2968]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.*
- (2) The Department of Defense.*
- (3) The Defense Intelligence Agency.*
- (4) The National Security Agency.*

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- (5) *The Department of the Army, the Department of the Navy, and the Department of the Air Force.*
- (6) *The Department of State.*
- (7) *The Department of the Treasury.*
- (8) *The Department of Energy.*
- (9) *The Federal Bureau of Investigation.*
- (10) *The Drug Enforcement Administration.*

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1984, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 2968 of the Ninety-eighth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1984, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated the sum of \$75,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORITY FOR TRANSFER OF AUTHORIZED FUNDS OF THE CENTRAL INTELLIGENCE AGENCY TO THE STATE OF VIRGINIA

SEC. 105. Of the amounts authorized to be appropriated under section 101(1), the Central Intelligence Agency is authorized to transfer an amount not to exceed \$3,000,000 to the State of Virginia for the design and construction of highway improvements associated with

construction at the Central Intelligence Agency headquarters compound.

**AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM
ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION**

SEC. 106. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1984 the sum of \$13,800,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 107. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1983 under sections 102 and 202 of the Intelligence Authorization Act for Fiscal Year 1983 (Public Law 97-269) and in excess of the numbers authorized for the fiscal year 1984 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

**LIMITATION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN
NICARAGUA**

SEC. 108. During fiscal year 1984, not more than \$24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

CONGRESSIONAL FINDINGS

SEC. 109. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly

or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and most effective means of dealing with threats to the peace of Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President should seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President should vigorously seek actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President should use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States should support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve this objective.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1984 the sum of \$18,500,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and fifteen full-time personnel as of September 30, 1984. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1984, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1984, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1984, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1984 the sum of \$86,300,000.

TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY AND THE INTEL- LIGENCE COMMUNITY STAFF

ELIGIBILITY FOR APPOINTMENT TO CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by striking the last "and" in subsection (d), by striking the period at the end of subsection (e) and substituting in lieu thereof "; and", and by adding at the end thereof the following new subsection:

"(f) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe."

ELIGIBILITY FOR INCENTIVE AWARDS

SEC. 402. (a) *The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.*

(b) *The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff on or after a date five years before the date of enactment of this section.*

APPOINTMENT OF DIRECTOR OF THE INTELLIGENCE COMMUNITY STAFF

SEC. 403. *The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 102 the following new section:*

"APPOINTMENT OF DIRECTOR OF INTELLIGENCE COMMUNITY STAFF

"SEC. 102. (a)(1) *If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—*

"(A) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

"(B) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Community Staff) with respect to any of the military or civilian personnel thereof.

"(2) Except as provided in subsection (1), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that in which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired and retainer pay) and allowances.

"(3) Any commissioned officer to which subsection (1) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102, or the position of Director of the Intelligence Community Staff, under this section, shall be exempt from such numbers and percentage at any one time."

TITLE V—ADMINISTRATIVE PROVISIONS RELATED TO THE DEFENSE INTELLIGENCE AGENCY

BENEFITS FOR CERTAIN EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY

SEC. 501. (a) Title 10, United States Code, is amended by inserting after section 191 the following new section:

"SEC. 192. BENEFITS FOR CERTAIN EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY.

"(a) The Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, may provide to military and civilian personnel of the Department of Defense who are United States nationals, who are assigned to Defense Attaché Offices and Defense Intelligence Agency Liaison Offices outside the United States, and who are designated by the Secretary of Defense for the purposes of this subsection, allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and under sections 903, 705, and 2308 of the Foreign Service Act of 1980 (22 U.S.C. 4025; 22 U.S.C. 4081 (2), (3), (4), (6), (7), (8), and (13); 22 U.S.C. 4083; 5 U.S.C. 5924(4)).

"(b) The authority of the Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"(c) Members of the Armed Forces may not receive benefits under both subsection (a) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

"(d) Regulations issued pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect."

(b) The table of sections at the beginning of chapter 8 of title 10, United States Code, is amended by inserting after section 191 the following new item:

"192. Benefits for Certain Employees of the Defense Intelligence Agency."

TITLE VI—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 601. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

Sec. 602. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

And the Senate agree to the same.

EDWARD P. BOLAND,
CLEMENT J. ZABLOCKI,
ROMANO L. MAZZOLI,
NORMAN Y. MINETA,
LEE H. HAMILTON,
ALBERT GORE, Jr.,
LOUIS STOKES,
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And for matters falling within the jurisdiction of the Committee on Armed Services:

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Managers on the Part of the House.

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DANIEL K. INOUE,
PAT LEAHY,
LLOYD BENTSEN,
SAM NUNN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses (stated in the classified annex accompanying the House bill, and the classified supplement and appendix thereto that accompanied the Senate amendment) are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DOD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions between the two Houses and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the Department of Defense Authorization Act, 1984, for those programs subject to annual authorization and contained in the Department of Defense Authorization Act (Pub. L. 98-94). In addition, the TIARA conferees have agreed on the au-

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thorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation categories of Military Pay and Military Construction.

SECTION 103

The House bill contained a provision, section 103, that had three parts. It stipulated that during fiscal year 1984, no funds may be appropriated or otherwise made available through transfer, reprogramming, etc., for intelligence or intelligence-related activities unless specifically authorized or unless the appropriate committees of Congress have been notified of the intent to make such funds available. Section 103 also contained the requirement that all transfers of funds from one account to another be for a higher priority program. Lastly, section 103 stated that no funds may be provided to support a program denied by Congress. The Senate amendment contained a provision, Section 101(c), which included only the first part of Section 103.

The conferees agreed to the House provision with the understanding that, if the proposed activity is materially different from that denied funding with prejudice, section 103 would not present any bar to a release from the Reserve for Contingencies or a reprogramming request.

SECTION 106

The House bill contained a provision, section 106, authorizing appropriations of \$13,800,000 for the counterterrorism program of the Federal Bureau of Investigation. The Senate amendment contained no comparable provision.

The conferees agreed to the House provision.

SECTION 108

Section 108 of the House bill contained provisions (1) terminating funding for military or paramilitary activities in Nicaragua after the expiration of a classified period of time for withdrawal of combatants from Nicaragua, and (2) authorizing \$50 million for arms interdiction assistance to friendly Central American countries. The Senate amendment had no comparable provision.

The conferees agreed to a compromise provision which sets a cap of \$24 million for military or paramilitary activities in Nicaragua during fiscal year 1984.

SECTION 109

Section 109 of the House bill expressed the sense of Congress concerning certain activities of the government of Nicaragua. The Senate amendment had no comparable provision.

The conferees agreed to a compromise statement as follows:

SEC. 109. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep the solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections,

preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and most effective means of dealing with threats to the peace of Central America, of providing for common action in the event of aggression and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President should seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President should vigorously seek actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President should use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States should support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America. Such report may include such

recommendations as the President may consider appropriate for further United States actions to achieve this objective.

TITLE II—INTELLIGENCE COMMUNITY STAFF

The House bill (Sec. 201) authorized \$19,100,000 and 215 personnel for the Intelligence Community Staff in fiscal year 1984. The Senate amendment (Sec. 201) authorized \$17,700,000 and 211 personnel for the Staff. The conferees agreed to a total authorization of \$18,500,000 and 215 personnel.

INTELLIGENCE COMMUNITY STAFF (ICS) CONFERENCE ACTIONS—FISCAL YEAR 1984

(In millions of dollars)

Project	Fiscal year 1984 request	Changes			Author- ization
		House action	Senate action	Confer- ence action	
Pay raise.....		+\$0.2		+\$0.2	\$0.2
Personnel level—funding.....	\$10.4		—\$0.1		\$10.4
Manpower.....	215		—4		215
External contracts.....	\$4.6		—\$1.1	—\$0.6	\$4.0
Funding not at issue.....	\$3.9				\$3.9
Total ICS funding.....	\$18.9	+\$0.2	—\$1.2	—\$0.4	\$18.5
Total ICS manpower.....	215		—4		215

Pay raise, +\$0.2 million

The conferees agreed to authorize the \$200,000 recommended by the House for a 4% pay raise for all IC Staff employees of January 1, 1984.

External contracts, —\$0.6 million

The Senate reduced IC Staff external contracts by \$1.1 million. The House authorized the requested \$4.6 million for external contracts. The conferees agreed that \$0.6 million in external studies and analysis contract funding was not adequately justified.

IC staff personnel—no reduction

The conferees agreed to the House position.

SECTION 403

Section 202 of the Senate amendment provided the same treatment (pay, independence from his Service while at IC Staff) for a commissioned military officer who is appointed Director of the Intelligence Community Staff as is given commissioned military officers who serve as either Director or Deputy Director of Central Intelligence under the National Security Act of 1947. It further provided that the rank or grade of the Director of the Intelligence Community Staff be exempt from the numbers and percentages of commissioned officers of his rank and grade in the Service of which he is a member, except that only one commissioned officer who occupies the position of Director or Deputy Director of Central Intelligence or the position of Director of the Intelligence Community

Staff shall be exempt from the applicable numbers and percentages for officers of similar rank in his Service at any one time. The House bill had no comparable provision.

The conferees agreed to the Senate provision, which provides permanent authority for such treatment of military officers in the above listed positions, whereas the Defense Authorization Act, fiscal year 1984 (Pub. L. 98-94) contained a similar provision which was limited in applicability solely to fiscal year 1984. That provision of the Defense Authorization Act had been supported by the House conferees.

SECTION 501

Section 405 of the Senate amendment provided authority to the Director of the Defense Intelligence Agency to provide benefits and allowances to personnel of the Defense Attache System comparable to those provided under the Foreign Service Act of 1980 to officers and employees of the State Department stationed abroad. The House bill had no comparable provision.

The conferees agreed to the Senate provision with amendments to make clear that the authority provided to the Director of DIA is limited only to authorizing benefits to military or civilian personnel of the Defense Attache System and to require that regulations implementing such benefits be provided to the House and Senate Intelligence and Armed Services committees, in the same manner as CIA and NSA regulations implementing similar authorities for those agencies have been provided to the House and Senate Intelligence committees.

EDWARD P. BOLAND,
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○

NINETY-EIGHTH CONGRESS OF THE UNITED STATES OF AMERICA

AT THE FIRST SESSION

*Begun and held at the City of Washington on Monday, the third day of January,
one thousand nine hundred and eighty-three*

An Act

To authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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- (2) The Department of Defense.
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- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
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CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1984, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of

funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

**AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION
OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE
AGENCY HEADQUARTERS COMPOUND**

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated the sum of \$75,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

**AUTHORITY FOR TRANSFER OF AUTHORIZED FUNDS OF THE CENTRAL
INTELLIGENCE AGENCY TO THE STATE OF VIRGINIA**

SEC. 105. Of the amounts authorized to be appropriated under section 101(1), the Central Intelligence Agency is authorized to transfer an amount not to exceed \$3,000,000 to the State of Virginia for the design and construction of highway improvements associated with construction at the Central Intelligence Agency headquarters compound.

**AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM
ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION**

SEC. 106. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1984 the sum of \$13,800,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 107. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1983 under sections 102 and 202 of the Intelligence Authorization Act for fiscal year 1983 (Public Law 97-269) and in excess of the numbers authorized for the fiscal year 1984 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

**LIMITATION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN
NICARAGUA**

SEC. 108. During fiscal year 1984, not more than \$24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

CONGRESSIONAL FINDINGS

SEC. 109. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and most effective means of dealing with threats to the peace of Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President should seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President should vigorously seek actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President should use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution

of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States should support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve this objective.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1984 the sum of \$18,500,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and fifteen full-time personnel as of September 30, 1984. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1984, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1984, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1984, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1984 the sum of \$86,300,000.

TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLI- GENCE COMMUNITY STAFF

ELIGIBILITY FOR APPOINTMENT TO CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by striking the last "and" in subsection (d), by striking the period at the end of subsection (e) and substituting in lieu thereof "; and", and by adding at the end thereof the following new subsection:

"(f) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe."

ELIGIBILITY FOR INCENTIVE AWARDS

SEC. 402. (a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

(b) The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff on or after a date five years before the date of enactment of this section.

APPOINTMENT OF DIRECTOR OF THE INTELLIGENCE COMMUNITY STAFF

SEC. 403. The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 102 the following new section:

"APPOINTMENT OF DIRECTOR OF INTELLIGENCE COMMUNITY STAFF

"SEC. 102a. (1) If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—

"(A) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

(B) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Com-

munity Staff) with respect to any the military or civilian personnel thereof.

"(2) Except as provided in subsection (1), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that in which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired and retainer pay) and allowances.

"(3) Any commissioned officer to which subsection (1) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102, or the position of Director of the Intelligence Community Staff, under this section, shall be exempt from such numbers and percentage at any one time."

TITLE V—ADMINISTRATIVE PROVISIONS RELATED TO THE DEFENSE INTELLIGENCE AGENCY

BENEFITS FOR CERTAIN EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY

SEC. 501. (a) Title 10, United States Code, is amended by inserting after section 191 the following new section:

"§ 192. Benefits for certain employees of the Defense Intelligence Agency

"(a) The Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, may provide to military and civilian personnel of the Department of Defense who are United States nationals, who are assigned to Defense Attaché Offices and Defense Intelligence Agency Liaison Offices outside the United States, and who are designated by the Secretary of Defense for the purposes of this subsection, allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and under sections 903, 705, and 2308 of the Foreign

11. N. 2500-1

Service Act of 1980 (22 U.S.C. 4025; 22 U.S.C. 4081 (2), (3), (4), (6), (7), (8), and (13); 22 U.S.C. 4083; 5 U.S.C. 5924(4)).

"(b) The authority of the Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"(c) Members of the Armed Forces may not receive benefits under both subsection (a) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

"(d) Regulations issued pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect."

(b) The table of sections at the beginning of chapter 8 of title 10, United States Code, is amended by inserting after Sec. 191 the following new item:

"192. Benefits for certain employees of the Defense Intelligence Agency."

TITLE VI—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 601. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 602. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*